

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #5	CCRB Case #: 201708824	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/14/2017 8:52 PM	Location of Incident: Cedar Avenue and West 179th Street	Precinct: 46	18 Mo. SOL 4/14/2019	EO SOL 4/14/2019	
Date/Time CV Reported Sat, 10/14/2017 10:13 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/24/2017 10:51 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rayon Grant	11238	934958	046 PCT
2. POF Tricia Grant	16810	944610	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tricia Grant	Abuse: Police Officer Tricia Grant interfered with § 87(2)(b)'s use of a recording device.	
B.POM Rayon Grant	Discourtesy: Police Officer Rayon Grant spoke discourteously to § 87(2)(b)	
C.POM Rayon Grant	Abuse: Police Officer Rayon Grant refused to provide his name to § 87(2)(b)	
D.POF Tricia Grant	Abuse: Police Officer Tricia Grant refused to provide her name and shield number to § 87(2)(b)	
E.POM Rayon Grant	Discourtesy: Police Officer Rayon Grant acted discourteously toward § 87(2)(b)	

Case Summary

On October 14, 2017, § 87(2)(b) filed this complaint on behalf of himself and § 87(2)(b) with IAB via telephone. On October 24, 2017, IAB referred the complaint to the CCRB via Log #17-41099.

On October 14, 2017, at approximately 8:52 PM, Police Officer Rayon Grant and Police Officer Tricia Grant responded to a radio call of an accident at Cedar Avenue and 179th Street in the Bronx. PO Tricia Grant allegedly told § 87(2)(b) that he could not record her and her partner (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Rayon Grant allegedly called § 87(2)(b) an “A-hole” (**Allegation B: Discourtesy**, § 87(2)(g)). § 87(2)(b) requested the name and badge numbers of both officers. PO Rayon Grant allegedly failed to provide his name (**Allegation C: Abuse of Authority**, § 87(2)(g)). PO Tricia Grant allegedly refused to provide her name and badge number (**Allegation D: Abuse of Authority**, § 87(2)(g)). PO Rayon Grant allegedly threw the documentation on the ground (**Allegation E: Discourtesy**, § 87(2)(g)). § 87(2)(b) provided video footage of the incident (Board Review 1).

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer Tricia Grant interfered with § 87(2)(b)'s use of a recording device.

It is undisputed that § 87(2)(b) and § 87(2)(b) were involved in a vehicle accident with a tow truck on the George Washington Bridge. It is undisputed that § 87(2)(b) followed the tow truck to Cedar Avenue and 179th Street in the Bronx. It is undisputed that PO Rayon Grant and PO Tricia Grant responded to a radio call of an accident. It is undisputed that the officers informed § 87(2)(b) that the accident occurred within a different jurisdiction. It is undisputed that § 87(2)(b) recorded on his cell phone a portion of the interaction. Video footage captures PO Tricia Grant telling § 87(2)(b) to stop recording. I, § 87(2)(g)

§ 87(2)(b)'s testimony (Board Review 2) is as follows. After PO Rayon Grant stated he would not generate an accident report, he went to speak with the driver of the tow truck. At that time, § 87(2)(b) began to record on his cell phone. § 87(2)(b) estimated he was approximately 25 feet away from the officers when he began to record. PO Tricia Grant placed her hand over her face and stated that § 87(2)(b) was not allowed to record. § 87(2)(b) asked, “Why?” PO Tricia Grant responded that § 87(2)(b) is not allowed to record in a public location. § 87(2)(b) inquired what law made it illegal to record in a public location. PO Tricia Grant did not reply.

PO Tricia Grant's testimony (Board Review 3) is as follows. § 87(2)(b) approached PO Tricia Grant, as she exited the police vehicle, and began to record on his cell phone with the flashlight in her eyes. § 87(2)(b) was approximately one foot to one and a half feet away from her. PO Tricia Grant told § 87(2)(b) “Hey, step back. There is no need for that; you are in my personal space.” PO Tricia Grant denied telling § 87(2)(b) that he was not allowed to record.

PO Rayon Grant's testimony (Board Review 4) is as follows. § 87(2)(b) approached PO Tricia Grant and began to record on his cell phone with the flashlight shining in PO Tricia Grant's face. PO Tricia Grant inquired why § 87(2)(b) was shining the flashlight in her eyes and why § 87(2)(b) needed to record as no police enforcement was taking place. § 87(2)(b) asked if PO Tricia Grant was telling him that he did not have the right to record. PO Tricia Grant and PO Rayon Grant told § 87(2)(b) that he was allowed to record, but there was nothing of substance to record at that time. PO Rayon Grant was unable to estimate exactly how far away § 87(2)(b) was when he began to record. PO Rayon Grant did not recall if PO Tricia Grant told § 87(2)(b) that he was not allowed to record the officers. PO Rayon Grant was unable to estimate how long § 87(2)(b) was recording the interaction.

§ 87(2)(b)'s testimony (Board Review 5) is as follows. § 87(2)(b) removed his cell phone and began to record the officers. § 87(2)(b) was approximately six feet away from the officers; however, § 87(2)(b) approached the officers. PO Tricia Grant yelled, "No videotaping, no videotaping." PO Tricia Grant placed her hand over the camera. PO Tricia Grant told § 87(2)(b) that if he did not turn the camera off then they would return inside their vehicle and leave. § 87(2)(b) stated that § 87(2)(b) recorded most of the interaction on his cell phone.

§ 87(2)(b) provided a 1:29 cell phone video (Board Review 1) during his in-person interview. At 0:08, the camera pans towards PO Rayon Grant and PO Tricia Grant, who are seen standing next to the tow truck on the side walk. It appears that the recorder is several feet away from the officers. PO Tricia Grant is seen covering her face and saying, "Excuse me, you can only do the truck. Do not record us. If you would like to take one of the truck, take a picture of the damages. That's it." At 00:18, § 87(2)(b) asks, "Am I not allowed to video tape an officer, is that correct?" PO Tricia Grant replies, "Do not video tape us sir." At 00:20, § 87(2)(b) asks, "Under what law prohibits that?" At 00:22, PO Rayon Grant says, "Sir, we can have our dispatch send it over to Port Authority and we can just wait here."

Attached below is a Snag-It clip of the cell phone video which captures PO Tricia Grant discouraging § 87(2)(b) from recording.



2018-02-05_10-34-50.mp4

After reviewing the video in their interviews (Board Review 3 and 4), PO Rayon Grant stated he was not paying attention when PO Tricia Grant made the statements, as he was writing down information in his notebook. PO Rayon Grant did not know why § 87(2)(b) would not have been allowed to record the officers. PO Tricia Grant confirmed it was her voice in the video. PO Tricia Grant stated, "Damn, I don't even remember that." When asked if there was a reason § 87(2)(b) was not allowed to record, PO Tricia Grant stated it was due to his prior behavior towards her and her partner.

The Office of the Deputy Commissioner's Legal Bureau Bulletin, Vol. 26, No. 2, states that individuals have a right to lawfully record police activity. This right extends to individuals in public places, such as streets and sidewalks. Recognizing the affirmative right to record police action, under no circumstances, should a member of service threaten, intimidate, or otherwise discourage an observer from recording the police officer's activities, assuming the observer is at a safe distance. The "zone of safety" is established by the officer and should be established on a case-by-case basis. This zone of safety should only encompass the physical space necessary to safely perform police operations (Board Review 6).

According to Patrol Guide Procedure 208-03, an onlooker taking video recordings does not constitute probable cause for an arrest or detention unless the safety of officers or other persons is directly endangered or an officer reasonably believes they are endangered (Board Review 7).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B- Discourtesy: Police Officer Rayon Grant spoke discourteously to § 87(2)(b)

[REDACTED]

It is undisputed that PO Rayon Grant informed § 87(2)(b) that an accident report would not be taken. It is undisputed that § 87(2)(b) began to record on his cell phone at that time. § 87(2)(g)

[REDACTED]

§ 87(2)(b)'s testimony (Board Review 2) is as follows. § 87(2)(b) PO Rayon Grant, and PO Tricia Grant were arguing about an accident report and whether § 87(2)(b) could video record the incident. PO Rayon told § 87(2)(b) that if he wanted to be an "A-hole" then they would leave. PO Rayon Grant instructed § 87(2)(b) to contact Port Authority.

PO Rayon Grant's testimony (Board Review 4) is as follows. PO Rayon Grant recalled § 87(2)(b) using the term "Asshole" and "Fucking," but PO Rayon Grant denied calling § 87(2)(b) an "A-hole."

§ 87(2)(b) (Board Review 5) did not specifically remember if PO Rayon Grant called § 87(2)(b) an “A-hole” but he did recall that § 87(2)(b) called the officers “Assholes.”

§ 87(2)(b) provided cell phone video (Board Review 1) during his in-person interview. § 87(2)(b) alleged that PO Rayon Grant called him an “A-hole” after PO Tricia Grant discouraged him from recording and prior to § 87(2)(b) requesting name and badge number. Between 00:26 into the video, when PO Tricia Grant discourages § 87(2)(b) from recording, to exactly 1:07, when § 87(2)(b) requests name and badge number, PO Rayon Grant is not heard calling § 87(2)(b) an “A-hole.”

§ 87(2)(g)

Allegation C-Abuse of Authority: Police Officer Rayon Grant refused to provide his name to § 87(2)(b)

Allegation D-Abuse of Authority: Police Officer Tricia Grant refused to provide her name and shield number to § 87(2)(b)

It is undisputed that PO Rayon Grant made the decision to not take an accident report and informed § 87(2)(b) that Port Authority would be notified. § 87(2)(b) alleged that he requested the names and badge numbers when the officers walked back to their vehicle. § 87(2)(b)

(2)

(g)

§ 87(2)(b)'s testimony (Board Review 2) is as follows. After PO Rayon Grant called § 87(2)(b) an “A-hole”, the officers began to walk back to their vehicle. As the officers walked past § 87(2)(b) § 87(2)(b) stated, “Let me have your badge number. What’s your name?” PO Rayon Grant approached § 87(2)(b) who was filming, and covered his name with his pointer finger. § 87(2)(b) was only able to see PO Rayon Grant’s badge number. PO Tricia Grant did not verbally respond to § 87(2)(b)'s request even though she was in a position to hear the request, as she was walking side by side with PO Rayon Grant.

PO Rayon Grant’s testimony (Board Review 4) is as follows. After making the decision not to take the accident report, § 87(2)(b) requested PO Rayon Grant’s name and badge number. PO Rayon Grant did not hear him request PO Tricia Grant’s name and badge number. PO Rayon Grant did not verbalize his information, but showed it to § 87(2)(b)'s cell phone, as he was recording at the time. PO Rayon Grant denied that anything was obstructing his name or badge number.

PO Tricia Grant’s testimony (Board Review 3) is as follows. PO Tricia Grant did not exactly recall when § 87(2)(b) requested the officers’ names and badge numbers, but believed it was when they were walking back to their vehicle. PO Tricia Grant verbally provided her information.

PO Tricia Grant did not recall if PO Rayon Grant showed his name or badge number to § 87(2)(b) s cell phone or if PO Rayon Grant obstructed his name plate.

§ 87(2)(b) s testimony (Board Review 5) is as follows. § 87(2)(b) requested PO Rayon Grant's badge. PO Rayon Grant showed § 87(2)(b) his badge, but attempted to hide portions of it with a note pad.

§ 87(2)(b) provided cell phone video (Board Review 1) during his in-person interview. At exactly 1:07, § 87(2)(b) replies, "What is your name and badge number, sir?" PO Rayon Grant is seen approaching § 87(2)(b) s cell phone and says, "Right here." PO Rayon Grant holds his shirt and leans his badge towards the camera. Given how PO Rayon Grant holds his shirt, with note pad still in hand, the name plate is obstructed from the view of the camera, although the shield number is clearly visible. At 1:13, PO Rayon Grant says, "There you go." § 87(2)(b) does not complain that the nameplate was obscured, nor does he again request PO Rayon Grant's name.

After reviewing the video in their interviews (Board Review 3 and 4), PO Rayon Grant acknowledged that his name plate was obstructed from view by his notebook. PO Rayon Grant denied that it was intentional and was not aware at the time that his name plate was obstructed. PO Rayon Grant stated the accidental obstruction was due to the way he was holding his shirt and notebook. PO Rayon Grant stated that § 87(2)(b) never complained of being unable to see the name plate. The video did not refresh PO Tricia Grant's recollection of seeing PO Rayon Grant obstruct his name plate during the incident. PO Tricia Grant believed § 87(2)(b) asked for her name and badge number, but from the video § 87(2)(b) only requested PO Rayon Grant's.

According to Patrol Guide Procedure 203-09, officers must courteously and clearly state their rank, name, shield, and command, or otherwise provide them, to anyone who requests them to do so (Board Review 8).

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Allegation E- Discourtesy: Rayon Grant acted discourteously toward § 87(2)(b)

It is undisputed that prior to leaving the scene, PO Rayon Grant provided the motorists and passengers' with their documentation. § 87(2)(g)

§ 87(2)(b)'s testimony (Board Review 5) is as follows. While walking back to the police vehicle, PO Rayon Grant threw the documentation on the ground. PO Rayon Grant made no attempt to hand the documents to § 87(2)(b) or § 87(2)(b)

PO Rayon Grant's testimony (Board Review 4) is as follows. PO Rayon Grant denied that he threw the documentation on the ground. PO Rayon Grant stated that there was no issue in handing the documentation back to § 87(2)(b)

PO Tricia Grant's testimony (Board Review 3) is as follows. PO Rayon Grant handed the documentation back to both drivers. PO Tricia Grant denied that PO Rayon Grant threw the documentation or that there was any difficulty in handing the documentation back to the motorists.

§ 87(2)(b) did not make this allegation against PO Rayon Grant during his in-person interview (Board Review 2).

§ 87(2)(b) provided cell phone video (Board Review 1) during his in-person interview. At 1:16, PO Rayon Grant is seen turning around and handing documents to § 87(2)(b) who is leaned against § 87(2)(b)'s vehicle. There is no issue in the handing of the documents and § 87(2)(b) is seen accepting the documents from PO Rayon Grant.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s and § 87(2)(b)'s first CCRB complaint (Board Review 9 and 10).
- PO Rayon Grant has been a member of the NYPD for 13 years and is the subject of three prior complaints, involving three allegations. In case # 201601417, an allegation of entry and/or search was substantiated. The Board recommended Formalized Training and the NYPD upheld the Board's recommendation. § 87(2)(g)
- PO Tricia Grant has been a member of the NYPD for 10 years and is the subject of two prior complaints, involving three allegations. In case #201601417, a threat to notify ACS was substantiated. The Board recommended Command Discipline A and the NYPD

decided against any disciplinary action. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation, as he did not believe in the process.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of January 31, 2018, an inquiry into the Office of the New York City Comptroller revealed no notice of claim filed by § 87(2)(b) or § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date